



## CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Communications (September 27, 1995 through September 10, 1995)

**MEETING DATE:** October 18, 1995

**PREPARED BY:** Assistant City Manager

**RECOMMENDED ACTION:** That the City Council by motion action deny the following verified claim filed against the City of Lodi.

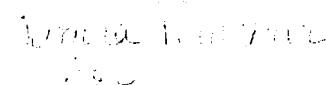
G. 2a,b

- a) Kenneth Isaak, date of loss 07/16/95
- b) Michael Lawrence (a minor), date of loss 9/16/94

**BACKGROUND INFORMATION:** Following review of the verified claim filed against the City of Lodi, the City Attorney and/or the City's Contract Administrator, Insurance Consulting Associates, Inc. (ICA) recommend that the City Council deny the subject claim.

**FUNDING:** None required.

Respectfully Submitted,

  
Jerry L. Glenn  
Assistant City Manager

JLG:tp

APPROVED: 

THOMAS A. PETERSON  
City Manager

CITY COUNCIL

STEPHEN J. MANN, Mayor  
DAVID P. WARNER  
Mayor Pro Tempore  
RAY G. DAVENPORT  
PHILLIP A. PENNINO  
JACK A. SIEGLOCK

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6704  
FAX (209) 333-6816

H. DIXON FLYNN  
City Manager  
JENNIFER M. PERRIN  
City Clerk  
RANDALL A. HAYS  
City Attorney

## Notice of Claim Rejection

October 18, 1995

Kenneth Isaak  
45 N. Wellington  
Lodi, CA 95242

RE: Claim of Kenneth Isaak  
Date of Loss: 07-16-95  
Claim Number: 95-53

Dear Mr. Isaak:


Notice is hereby given that the claim you presented to the City on Lodi on September 13, 1995, is rejected as of the date of this letter.

### Warning

Subject to certain exemptions, you have only six (6) months from the date that this notice was personally delivered or deposited in the mail to file a court action on your state law claims. See Government Code Section 945.6. The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act which does not apply to federal causes of action. Additionally, the Tort Claims Act contains certain exemptions. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

Please also be advised that, pursuant to Sections 128.5 and 1038 of the California Code of Civil Procedure, the City will seek to recover all costs of defense in the event an action is filed in this matter and it is determined that the action was not brought in good faith and with reasonable cause.

Sincerely,

  
Jennifer Perrin  
City Clerk

cc: Bill Benson

CITY COUNCIL

STEPHEN J. MANN, Mayor  
DAVID P. WARNER  
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City Attorney

## Notice of Claim Rejection

October 18, 1995

Jacqueline M. Lawrence  
Michael Lawrence  
c/o Digardi & Campbell  
1000 Broadway, Suite 600  
Oakland, California 94607

RE: Claim of Michael Lawrence against the City of Lodi  
Date of Loss: 09-16-94  
Claim Number: 95-55  
CJPMRA Claim Number: 94-95-045

Dear Ms. Lawrence:


Notice is hereby given that the claim you presented on behalf of Michael Lawrence to the City of Lodi on September 15, 1995, is rejected as of the date of this letter.

### Warning

Subject to certain exemptions, you have only six (6) months from the date that this notice was personally delivered or deposited in the mail to file a court action on your state law claims. See Government Code Section 945.6. The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act which does not apply to federal causes of action. Additionally, the Tort Claims Act contains certain exemptions. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

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Sincerely,

  
Jennifer Perrin  
City Clerk

cc: Bill Benson

CITY COUNCIL

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JENNIFER M. PERRIN  
City Clerk  
RANDALL A. HAYS  
City Attorney

October 19, 1995

Jacqueline M. Lawrence  
Michael Lawrence  
c/o Digardi & Campbell  
1000 Broadway, Suite 600  
Oakland, California 94607

ICA File No.: 35-0277000/001-51  
Date of Loss: 09-16-94  
Re: Application to Present a Late Claim of Jacqueline M. Lawrence


A communication intended to be an application to present a late claim and a communication purported to be a claim have been referred to this office pursuant to Government Code §935.4.

NOTICE IS HEREBY GIVEN that said application to present late claim is denied; no consideration has been or may be given to the purported claim itself.

### WARNING

If you wish to file a court action on this matter, you must first petition the appropriate court for an order relieving you from the provisions of Government Code §945.4 (claims presentation requirement). See Government Code §946.6. Such petition must be filed with the court within six (6) months from the date your application for leave to present a late claim was denied. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Sincerely,

  
JENNIFER M. PERRIN  
City Clerk

cc: Bill Benson